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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,014	07/22/2003	Daniel P. Rini	RTI-101XC1	8426

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EXAMINER

TAPOLCAI, WILLIAM E

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,014

Applicant(s)

RINI ET AL.

Examiner

William E. Tapolcai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) 7,18,26,56,57,60 and 62-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,19-25,34,35,37-55,58,59,61,97 and 98 is/are rejected.
- 7) ☒ Claim(s) 9-17,27-33,36 and 96 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. Applicant's arguments, see the request for reconsideration and declaration by Daniel P. Rini, filed May 17, 2005, with respect to the rejections of all of the claims under Webber have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of newly discovered patents to Likitcheva and Tawney et al.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 5, 19-25, 34, 35, 37, 38, and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Likitcheva. This patent discloses the claimed invention, including the means for flowing the external fluid across the heat transfer surface of the condenser in a flow that is parallel with the heat transfer surface of the condenser. However, Likitcheva does not disclose the expansion device. Official notice is taken that expansion devices per se are well known in compression refrigeration systems, and thus to provide Likitcheva with an expansion device is considered to be an obvious expedient to one of ordinary skill in the refrigeration art.

4. Claims 4, 5, 8, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Likitcheva in view of Tawney et al. Likitcheva discloses the claimed invention except for the condenser having first and second surfaces. Tawney et al teaches a condenser having first and second surfaces (the inner and outer coils). It would be obvious to make the condenser of Likitcheva to have first and second surfaces, in view of Tawney et al, for the purpose of enhancing the cooling capacity of the condenser.

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Claims 39-47, 50, 51, 61, 97, and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Likitcheva in view of Webber. Likitcheva discloses the claimed invention except for the fins. Webber teaches a condenser having fins. It would be obvious to provide Likitcheva with fins, in view of Webber, for the purpose of enhancing the cooling effect of the condenser.

5. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Likitcheva in view of Webber as applied to claim 47 above, and further in view of Reagan et al. Likitcheva as modified above by Webber discloses the claimed invention except for the staggered arrangement of the fins. Reagan et al teaches a heat exchanger having the fins in a staggered arrangement. See especially Fig. 9. It would be obvious to arrange the fins of Likitcheva as modified by Webber in a staggered fashion, in view of Reagan et al, for the purpose of enhancing the cooling effect of the fins.

6. Claims 7, 18, 26, 56, 57, and 62-95 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 20, 2004.


7. Claims 9-17, 27-33, 36, and 96 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William E. Tapolcai
Primary Examiner
Art Unit 3744

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May 24, 2005